

Appl. No. 10/816,064
Amdt. Dated , October 24, 2005
Reply to Final Office Action of August 23, 2005

REMARKS/ARGUMENTS

This amendment is responsive to the Final Office Action mailed on August 23, 2005. In the Office action claims 1-5, 28-31, 44 and 48, were rejected under 35 U.S.C. §102 (b) as being anticipated by Mihara et al. (U.S. Patent No. 6,731,716 B2, hereinafter "Mihara"). Claims 6-27, 32-43, 45-47, and 49-58 were objected to but were deemed allowable if rewritten in independent form.

In this amendment, claims 1, 28, 44, 47, 50-58 have been cancelled, claims 2-6, 12, 14, 15, 18, 19, 21, 26, 29-32, 36, 37, 40-43, 45, 46, 49, and 59 have been amended, and claim 60-62 has been added. Support for claim 60 can be found in paragraph [0048] and support for claim 61 and 62 can be found in FIGS. 6 and 7 and in paragraph [0054]. No new matter has been added.

Applicants respectfully submit that the claim 59 that was previously presented as a new claim, and claim 48 that was previously cancelled, in the last Office Action Response dated May 20, 2005, do not seem to have been entered by the Examiner. Applicants respectfully request entry of these amendments as well.

Claims 2-27, 29-43, 45, 46, and 49 remain pending in this application. Reconsideration in light of the above amendments and the following remarks is respectfully requested.

Claims define allowable subject matter over the applied art

Claims 1-5, 28-31, 44 were rejected under 35 U.S.C. §102 (e) as being anticipated by Mihara. Applicants have carefully reviewed the applied reference, and have cancelled the independent claims 1, 28 and 44 and dependent claims 47, 50-58. Claims 2, 3, 4, 18, 19, 26, 29, 30, 31, 45, and 46 have been amended and are the new independent claims. Claims 5, 6, 12, 14, 15, 21, 32, 36, 37, 40-43, 49, and 59 are the dependent claims that have been amended in order to recite the correct dependencies. No new matter has been added.

Claims 18, 19, 26, 45, and 46 were objected to as being dependent upon a rejected base claim but were deemed allowable if rewritten in independent form including all the limitations of the base claim and any intervening claim. Applicants have accepted the Examiner's suggestion and have amended claims 18, 19, 26, 45, and 46 as independent claims. Claim 49, as amended depends directly from the amended independent claim 46, and is therefore, similarly allowable.

Applicants respectfully traverse the rejection of the new independent claims 2, 3, 4, 29, 30, and 31 as amended, under 35 U.S.C. §102 (e) as being anticipated by Mihara. To anticipate a claim under 102, each and every element of the claim must be taught by the reference.

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With respect to the amended independent claims 2 and 29, Mihara does not disclose, teach or suggest the claim recitations of "wherein the one or more emitters comprise at least one of carbon-based emitters, photo emitters, ferroelectric emitters, cold-cathode emitters, laser diodes and monolithic semiconductors." Mihara only discloses thermion emitters (column 5, lines 1-10), the Applicants have accordingly cancelled the thermionic emitters from the amended independent claims 2 and 29. However, there is absolutely no disclosure, teaching or suggestion in Mihara about other different types of emitters as recited in independent claims 2 and 29.

With respect to amended independent claims 3 and 31, Mihara does not disclose, teach or suggest the claim recitations of "a plurality of detector elements of one or more sizes placed in the at least one stationary detector". Mihara only describes a generic detector having large number of detection elements (column 3, lines 42-47). Irrespective of this disclosure, Mihara still does not disclose, teach or suggest the claim recitation of "detector elements of one or more sizes" as recited in the amended independent claims 3 and 31.

With respect to the amended independent claims 4 and 31, Mihara does not disclose, teach or suggest the claim recitations of "the at least one stationary distributed X-ray source includes at least two full ring sources". Mihara in Fig. 3 and Figs. 5 and 6 only describes a unitary ring source. Mihara is completely silent about any other source configurations that may be used for imaging. Specifically, Mihara does not disclose, teach or suggest "at least two full ring sources" as recited in the amended independent claims 4 and 31.

Accordingly, Applicants respectfully submit that independent claims 2, 3, 4, 29, 30, and 31 as amended define allowable subject matter over the applied art. Amended claim 5 and 59 depend from the independent claim 4, and amended claims 32-43 depend directly or indirectly from the amended independent claim 31, and are similarly allowable.

In view of the foregoing remarks, Applicants respectfully request withdrawal of the rejections under 35 U.S.C. §102 (e).

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Summary

In view of the foregoing, Applicants respectfully submit that the application is in condition for allowance. Favorable reconsideration and prompt allowance of the application are respectfully requested.

Should the Examiner believe that anything further is needed to place the application in even better condition for allowance, the Examiner is requested to contact Applicant's undersigned representative at the telephone number below.

Respectfully submitted,

By 

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GE Docket No.127068-2

CHECKLIST 4

RESPONSE TO FINAL OFFICE ACTION

- | | YES | NO | NA |
|---|-------------------------------------|-------------------------------------|-------------------------------------|
| 1. If there is a restriction requirement, have you consulted with the GE Counsel to determine whether any divisional applications should be filed now? Check NA only if no restriction requirement. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Is the inventorship correct based on the presently pending claims? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| 3. Have you consulted with the GE Counsel as to whether any allowed claims, or claims indicated to contain allowable subject matter, should be permitted to issue? Check NA only if no claims have been allowed. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Is the response to this final rejection being submitted within two months of the Final Office Action? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| 5. Have you consulted with the GE Counsel as to whether, if, in an advisory action, the Examiner persists in the rejection(s), further action should be taken, e.g., filing an appeal or a continuation or RCE, or initiating an interview? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| 6. Have you communicated to the inventors the duty to disclose obligation regarding information that may be material to the disclosed or claimed invention? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| 7. Have you determined whether any previously-unsubmitted material prior art has been cited in any foreign corresponding applications? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| 8. If new material information has been discovered, have you prepared an IDS to submit all material information including, but not limited to: (a) prior art cited during the prosecution of any Legally Related applications or foreign corresponding applications; (b) rejections of substantially similar claims in any domestic or foreign office actions; (c) prior art uncovered in any search of the prior art applicable to the disclosed or claimed invention; (d) material information regarding the use (including GE products), sale, offer for sale, publication, or disclosure applicable to the disclosed or claimed invention; and (e) any other material information known to you? Check NA only if no new material information has been discovered. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |


This is to certify that the response to this patent application has been prepared in conformity with the GE Manual for Global Patent Applications including this Checklist 4 and that any "NO" answers have been discussed with the GE Counsel prior to filing the response.

A COPY OF THIS CHECKLIST IS TO BE RETAINED AS A PERMANENT PART OF THE FILE OF THIS APPLICATION

RACHNA S PURI/JEAN TESTA


Signature of Preparing IP Attorney/AgentOctober 24, 2005
Date

Name of Preparing IP Attorney/Agent


Name of Firm or GE Business

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